

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DLJ MORTGAGE CAPITAL, INC.,

Plaintiff,

v.

EASTERN AMERICAN MORTGAGE
COMPANY,

Defendant.

Case No. 07-CV-7933 (PKL)

**DECLARATION OF ROBERT A. PINEL, ESQ. IN SUPPORT OF AWARDING COSTS
AND ATTORNEYS' FEES**

Robert A. Pinel, Esquire, pursuant to 28 U.S. C. § 1746, declares under penalty of perjury as follows:

1. I am Counsel with the law firm of Flamm, Boroff & Bacine, P.C. ("**FBB**"), attorneys for plaintiff, DLJ Mortgage Capital, Inc. ("**DLJMC**"). I make this declaration pursuant to Magistrate Judge Douglas F. Eaton's March 6, 2008 Order in support of DLJMC's application for an award of attorneys' fees and costs against defendant Eastern American Mortgage Company ("**Eastern American**").

2. The purpose of this declaration is to advise the Court of the attorney's fees and costs DLJMC has incurred in connection with the above-captioned matter and to place before the Court billing records and invoices supporting DLJMC's claims for attorney's fees and costs.

3. Pursuant to Section 8.01 of the Eastern American Purchase Agreement and the May 1, 2007 Agreement, Eastern American agreed to indemnify DLJMC for any and all claims, losses, damages, penalties, fines, forfeitures, legal fees and related

costs, judgments and any other costs, fees and expenses that DLJMC may sustain in any way related to Eastern American's failure to observe and perform its duties, obligations, and covenants in strict compliance with the terms of the Eastern American Purchase Agreement and the May 1, 2007 Agreement.

4. As a result of Eastern American's failure to observe and perform its respective duties, obligations and covenants pursuant to the terms of the Eastern American Purchase Agreement, DLJMC has incurred legal fees and expenses in connection with, inter alia (a) preparing default notices; (b) drafting the Complaint in this action; (c) drafting the application for a default judgment against defendant, Eastern American; and (d) drafting the Proposed Findings of Fact and Conclusions of Law and supporting affidavits in respect of the present inquest.

5. The timekeeper who has been involved throughout this litigation includes one attorney, Robert A. Pinel, Esq., and one paralegal, Susan J. Dickinson.

6. Mr. Pinel, Counsel with FBB's Litigation Department, graduated from Columbia University in 1984 and received his law degree from the University of Georgia in 1989. Mr. Pinel's hourly rate for this litigation is \$250.

7. Ms. Dickinson has been a paralegal since 1993 and has worked at several litigation firms in the Allentown, Pennsylvania area. Her hourly rate for this litigation is \$95.

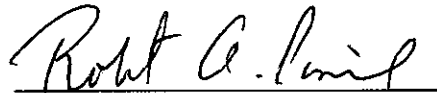
8. DLJMC has incurred attorney and professional fees of \$15,916.68 in pursuing this litigation. The legal expenses and costs incurred by DLJMC and the services provided by FBB on behalf of DLJMC were reasonable and necessary. Copies of the billing statements detailing charges DLJMC has incurred in connection with this

matter, which have been redacted to protect attorney-client privileged information, are annexed hereto as Exhibit A.¹

9. In addition, DLJMC has incurred \$673.03 in costs, the sum of \$350.00 for the filing fee for the filing of the Complaint, and \$189.85 in service charges for service of process on Defendant Eastern American. Copies of documents supporting DLJMC's claim for costs are contained and set forth in Exhibit A, as well as in the documentation annexed hereto as Exhibit B.

10. In sum, for the period August 20, 2007 to the present, DLJMC seeks legal fees in the total amount of \$15,916.68 and costs in the total amount of \$673.03.

Dated: Allentown, Pennsylvania
April 25, 2008


Robert A. Pinel

¹ An un-redacted copy of Exhibit A will be provided to Chambers.